

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

ALGONQUIN GAS TRANSMISSION, LLC,	)
	)
Plaintiff,	)
	)
v.	)
	)
APPROXIMATELY 170,197 CUBIC FEET and	)
APPROXIMATELY 8,248 LINEAR FEET OF	)
PERMANENT EASEMENT AREA, and	)
APPROXIMATELY 652,489 SQUARE FEET OF	)
TEMPORARY EASEMENT AREA IN THE CITY	)
OF BOSTON, MASSACHUSETTS, THE BOSTON	)
PUBLIC IMPROVEMENT COMMISSION, and	)
THE CITY OF BOSTON, MASSACHUSETTS,	)
	)
Defendants.	)

**CONDEMNATION COMPLAINT**

Algonquin Gas Transmission, LLC (“Algonquin”) is an interstate natural gas pipeline company that transports natural gas in interstate commerce. As such, Algonquin is a natural gas company as that term is defined in Section 2(6) of the Natural Gas Act (“NGA”), 15 U.S.C. § 717a(6), and is subject to the exclusive jurisdiction of the Federal Energy Regulatory Commission (“FERC”). On March 3, 2015, FERC issued a Certificate of Public Convenience and Necessity (“Certificate”) to Algonquin authorizing Algonquin to construct and operate a natural gas pipeline and related facilities known as the Algonquin Incremental Market Project (the “AIM Project”). As part of the AIM Project, Algonquin will install approximately 4.1 miles of 16-inch diameter pipeline and approximately 0.8 miles of 24-inch diameter pipeline in the Towns of Westwood and Dedham and the West Roxbury section of the City of Boston. The pipeline will be installed in three streets in West Roxbury that are owned by the Boston Public Improvement Commission (“PIC”). In order to construct the pipeline, Algonquin needs to acquire permanent and temporary easements

in those three streets. Algonquin, however, has been unable to acquire the easements from the PIC. Therefore, Algonquin, pursuant to the power of eminent domain vested in it by the NGA, 15 U.S.C. § 717f(h), and the FERC Certificate, brings this action to condemn the easements and to have the Court ascertain the just compensation that must be paid for the easements.

### **JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction over this action under 15 U.S.C. § 717f(h) because the value of the easements to be taken by Algonquin exceeds \$3,000.

2. Venue is proper in this Court under 15 U.S.C. § 717f(h) because the streets in West Roxbury that are the subject of this action are located within the eastern district of the District of Massachusetts.

### **PARTIES**

3. Algonquin is a limited liability company organized under the laws of the State of Delaware with its principal place of business in Houston, Texas.

4. The City of Boston is a Massachusetts municipality that has its offices at City Hall, One City Hall Square, Boston, Massachusetts.

5. The PIC is an independent body within the Boston Public Works Department that has its offices at City Hall, One City Hall Square, Boston, Massachusetts and is the owner and regulator of Boston's rights of way.

### **FACTS**

6. Before a natural gas company can construct and operate a natural gas transmission pipeline and related facilities, the company must obtain a Certificate from FERC. On March 3,

2015, FERC issued a Certificate to Algonquin in Docket No. CP-14-96-000 authorizing Algonquin to construct the AIM Project. See 150 FERC ¶ 61,163 (2014). The Certificate requires that the AIM Project be completed and available for service within two years from the date of the Certificate which is March 3, 2017.

7. To complete construction of the AIM Project in accordance with the Certificate and along the approved alignment, Algonquin must acquire permanent and temporary easements in Washington Street, Grove Street, and Centre Street that are in the West Roxbury section of the City of Boston.

8. The NGA, 15 U.S.C. § 717f(h), authorizes a natural gas company to condemn any property interests needed to construct a natural gas pipeline authorized by FERC that the company has not been able to acquire by agreement. The Certificate for the AIM Project states that Algonquin may use the power of eminent domain to condemn any property interests needed to construct the AIM Project.

9. Algonquin has attempted to, but has been unable to, acquire the necessary easements from the PIC for the AIM Project.

**A. Washington Street**

10. The permanent easement in which the pipeline will be installed in Washington Street will consist of a cylindrical area that is five (5) feet in diameter, will be approximately three to five feet below the surface, will be approximately 1,929 linear feet in length, and will occupy approximately 37,876 cubic feet.

11. The temporary workspace easement in Washington Street will occupy approximately

144,792 square feet.

12. The approximate boundaries of the permanent and temporary easements in Washington Street are depicted on Drawing Nos. LD-P-8183 - 8186. Copies of those Drawings are attached as Exhibit A.

**B. Grove Street**

13. The permanent easement in which the pipeline will be installed in Grove Street will consist of a cylindrical area that is five (5) feet in diameter, will be approximately three to five feet below the surface, will be approximately 2,677 linear feet in length, and will occupy approximately 52,563 cubic feet.

14. The temporary workspace easement in Grove Street will occupy approximately 156,464 square feet.

15. The approximate boundaries of the permanent and temporary easements in Grove Street are depicted on Drawing Nos. LD-P-8187 – 8192. Copies of those Drawings are attached as Exhibit B.

**C. Centre Street**

16. The permanent easement in which the pipeline will be installed in Centre Street will consist of a cylindrical area that is five (5) feet in diameter, will be approximately three to five feet below the surface, will be approximately 3,642 linear feet in length, and will occupy approximately 71,510 cubic feet.

17. The temporary workspace easement in Centre Street will occupy approximately 181,036 square feet.

18. The approximate boundaries of the permanent and temporary easements in Centre Street are depicted on Drawing Nos. LD-P-8193 - 8199. Copies of those Drawings are attached as Exhibit C.

**D. Total Easement Areas**

19. The approximate aggregate areas of the easements in the three streets is as follows:

- a. Permanent Easement – 170,197 cubic feet and 8,248 linear feet; and
- b. Temporary Easement – 652,489 square feet.

20. Pursuant to § 7(h) of the NGA, 15 U.S.C. § 717f(h), Algonquin is authorized to and needs to take the permanent and temporary easements in Washington Street, Grove Street, and Centre Street by the power of eminent domain.

WHEREFORE, Algonquin requests that the Court:

- 1. enter an Order of Taking allowing Algonquin to take the easements in Washington Street, Grove Street, and Centre Street and if, necessary, issue a preliminary injunction allowing Algonquin to immediately enter the permanent and temporary easements in Washington Street, Grove Street, and Centre Street to construct the pipeline facilities that are required for the AIM Project;
- 2. ascertain the amount of just compensation to be paid to the PIC or the City of Boston for the easements taken by Algonquin; and
- 3. award Algonquin such other relief as may be necessary or appropriate.

ALGONQUIN GAS TRANSMISSION, LLC

By its attorneys,

/s/ James T. Finnigan

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